

shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM-113.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on December 28, 1994.

**S.R. Miller,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 95-59 Filed 1-3-95; 8:45 am]

BILLING CODE 4910-13-U

## 14 CFR Part 39

[Docket No. 94-NM-197-AD]

### Airworthiness Directives; Boeing Model 727 Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the superseding of an existing airworthiness directive (AD), applicable to certain Boeing Model 727 series airplanes, that currently requires repetitive visual inspections to detect cracking in the elevator rear spar and repair, if necessary. It also provides for an optional terminating action for the repetitive inspections. This action would add an additional one-time inspection of certain airplanes for clearance between the shear plate and the radii of the rear spar; and would provide additional instructions for the terminating action. This proposal is prompted by reports of cracking in the rear spar of the elevator at the hinge fitting attachment of the control tab and reports of loose hinge fittings at the crack locations. The actions specified by the proposed AD are intended to prevent cracking of the elevator rear spar, which could cause excessive free play of the elevator control tab and possible tab flutter, and could result in loss of controllability of the airplane.

**DATES:** Comments must be received by March 1, 1995.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103,

Attention: Rules Docket No. 94-NM-197-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

#### FOR FURTHER INFORMATION CONTACT:

Walter Sippel, Aerospace Engineer, Airframe Branch, ANM-121S, Seattle Aircraft Certification Office, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2774; fax (206) 227-1181.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited-

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 94-NM-197-AD." The postcard will be date stamped and returned to the commenter.

##### Availability of NPRMs-

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No.

94-NM-197-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

#### Discussion

On October 30, 1987, the FAA issued AD 87-24-03, amendment 39-5769 (52 FR 43742, November 16, 1987), applicable to certain Boeing Model 727 series airplanes, to require repetitive visual inspection to detect cracking of the elevator rear spar, and repair, if necessary. That action was prompted by reports of cracking in the elevator rear spar at the control tab hinge fitting attachment, and loose hinge fittings at the crack locations. The requirements of that AD are intended to detect cracking in the elevator rear spar which, if not corrected, could lead to loss of controllability of the airplane.

Since the issuance of that AD, there have been several reports of cracking in the radii at the tab hinge fitting of the rear spar, and reports of loose hinge fittings at the crack locations on airplanes that were modified in accordance with Boeing Service Bulletin 727-55-0087, dated June 20, 1986. The modification described in that Boeing service bulletin was considered to be terminating action for the repetitive inspection requirements of AD 87-24-03. The manufacturer has advised that the cause of this cracking is attributable to continued contact between the shear plate and the radii of the elevator rear spar. Cracking in this area, if not corrected, could cause excessive free play of the elevator control tab and possible tab flutter, and could result in loss of controllability of the airplane.

The FAA has reviewed and approved Boeing Service Bulletin 727-55-0087, Revision 1, dated March 31, 1994, which describes procedures for continued repetitive visual inspections to detect cracking of the elevator rear spar, and repair, if necessary. For airplanes that have been modified in accordance with Boeing Service Bulletin 727-55-0087, dated June 20, 1986, the service bulletin describes procedures for an additional one-time inspection to ensure clearance between the shear plate and the rear spar radii. Additionally, for all other airplanes, Revision 1 of this service bulletin provides instructions for accomplishing an improved modification or repair that would eliminate the need for repetitive inspections.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede AD 87-24-03 to require continued repetitive visual inspections to detect cracking of the elevator rear spar, and repair, if necessary. However,

this proposal would add a one-time inspection to determine clearance between the shear plate and the rear spar radii of the elevator rear spar on airplanes on which the terminating action specified in AD 87-24-03 has been accomplished. The proposed AD would also provide for an improved modification or repair of the elevator rear spar, which, if accomplished, would provide terminating action for the repetitive visual inspection requirements. The actions would be required to be accomplished in accordance with the service bulletin described previously.—

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been included in this notice to clarify this requirement.—

There are approximately 1,531 Model 727 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 1,102 airplanes of U.S. registry would be affected by this proposed AD.—

The inspections of the elevator rear spar that were previously required by AD 87-24-03, and retained in this proposal, take approximately 12 work hours per airplane to accomplish, at an average of \$60 per work hour. Based on these figures, the total cost impact of this inspection requirement on U.S. operators of previously modified airplanes is estimated to be \$793,440, or \$720 per airplane, per inspection cycle.

The one-time inspection of previously modified airplanes that would be required by this proposal would take approximately 12 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the total cost impact of the one-time inspection requirement of this proposal on U.S. operators of previously modified airplanes is estimated to be \$720 per airplane.

The total cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of

the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.—

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### The Proposed Amendment —

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

##### § 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-5769 (52 FR 43742), and by adding a new airworthiness directive (AD), to read as follows:

**Boeing:** Docket 94-NM-197-AD. Supersedes AD 87-24-03, Amendment 39-5769.

**Applicability:** Model 727 series airplanes, line numbers 1 through 1719 inclusive, certificated in any category.—

**Note 1:** This AD applies to each airplane identified in the preceding applicability

provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (e) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.—

**Compliance:** Required as indicated, unless accomplished previously.

To prevent excessive free play of the elevator control tab and possible tab flutter, accomplish the following: —

(a) For airplanes on which the modification described in Boeing Service Bulletin 727-55-0087, dated June 20, 1986 (the terminating action specified in AD 87-24-03, amendment 39-5769), has not been accomplished: Prior to the accumulation of 27,000 flight hours or within the next 4,000 flight hours after December 24, 1987 (the effective date of AD 87-24-03 amendment 39-5769), whichever occurs later, perform a visual inspection of the elevator rear spar to detect cracking, in accordance with Boeing Service Bulletin 727-55-0087, dated June 20, 1986, or Revision 1, dated March 31, 1994. Repeat the inspection thereafter at intervals not to exceed 4,000 flight hours. After the effective date of this AD, only Revision 1 of this service bulletin shall be used.

(b) If any crack is detected during any inspection required by paragraph (a) of this AD, accomplish paragraphs (b)(1) and (b)(2) of this AD in accordance with Boeing Service Bulletin 727-55-0087, dated June 20, 1986, or Revision 1, dated March 31, 1994. After the effective date of this AD, only Revision 1 of this service bulletin shall be used.—

(1) If any crack is found that is within the specified limits in Part 1 of the Accomplishment Instructions of the service bulletin, accomplish paragraphs (b)(1)(i) and (b)(1)(ii) of this AD.

(i) Prior to further flight, perform a time-limited repair by stop drilling the crack in accordance with the service bulletin. Within 1,600 flight hours after the repair, repeat the inspection required by paragraph (a) of this AD. If any crack growth is detected after the stop drilling, repair prior to further flight, in accordance with Part III of the Accomplishment Instructions of the service bulletin.

(ii) Prior to the accumulation of 3,200 flight hours after stop drilling, repair the elevator rear spar in accordance with Part III of the Accomplishment Instructions of the service bulletin.

(2) If any crack is found that is outside the specified limits of Part 1 of the Accomplishment Instructions of the service bulletin, prior to further flight, repair in accordance with Part III of the Accomplishment Instructions of the service bulletin.

(c) For airplanes on which the modification specified in Boeing Service Bulletin 727-55-0087, dated June 20, 1986, (terminating action specified in AD 87-24-03, amendment 39-5769) has been accomplished: Prior to the accumulation of 1,600 flight hours, or within 12 months after the effective date of this AD, whichever occurs later, conduct an inspection to ensure proper clearance between the shear plate and the radii of the rear spar, in accordance with Boeing Service Bulletin 727-55-0087, Revision 1, dated March 31, 1994.-

(1) If clearance is within the limits specified in Part I of the Accomplishment Instructions of the service bulletin, no further action is required by this AD.

(2) If clearance is outside the limits specified in Part I of the Accomplishment Instructions of the service bulletin, prior to further flight, reaccomplish the repair in accordance with Part III of the service bulletin. After modification, no further action is required by this AD.-

(d) Modification or repair of the elevator rear spar in accordance with Part II or Part III of the Accomplishment Instructions of Boeing Service Bulletin 727-55-0087, Revision 1, dated March 31, 1994, constitutes terminating action for the requirements required of this AD.

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.-

(f) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on December 28, 1994.

**S.R. Miller,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 95-60 Filed 1-3-95; 8:45 am]

BILLING CODE 4910-13-U

## 14 CFR Part 39

[Docket No. 94-NM-155-AD]

### Airworthiness Directives; Canadair Model CL-600-2B19 (Regional Jet Series 100) Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** This action withdraws a notice of proposed rulemaking (NPRM)

that proposed a new airworthiness directive (AD), applicable to certain Canadair Model CL-600-2B19 series airplanes. That action would have required removal of certain shear pins and installation of stronger shear pins on the elevator flutter dampers. The proposed actions were intended to prevent problems associated with undampened vibration of the elevators in normal cruise conditions. Since the issuance of the NPRM, the Federal Aviation Administration (FAA) has issued other rulemaking that positively addresses the identified unsafe condition. Accordingly, the proposed rule is withdrawn.

#### FOR FURTHER INFORMATION CONTACT:

Franco Pieri, Aerospace Engineer, Airframe Branch, ANE-172, New York Aircraft Certification Office, FAA, Engine and Propeller Directorate, 181 South Franklin Avenue, Room 202, Valley Stream, New York 11581; telephone (516) 791-6220; fax (516) 791-9024.

#### SUPPLEMENTARY INFORMATION: A

proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add a new airworthiness directive (AD), applicable to certain Canadair Model CL-600-2B19 series airplanes, was published as a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** on October 11, 1994 (59 FR 51392). The proposed rule would have required removal of certain shear pins from the elevator flutter dampers, and installation of stronger shear pins. That action was originally prompted by a report of sheared-off shear pins found on one airplane's elevator dampers. The proposed actions were intended to prevent undampened vibration of the elevators in normal cruise conditions, resulting from the failure of the shear pins installed in the elevator flutter dampers; when combined with hydraulic system failures, this condition can result in reduced controllability of the airplane. -

Since the issuance of that NPRM, Transport Canada Aviation, which is the airworthiness authority for Canada, has notified the FAA that the lugs of the elevator flutter damper sheared off of two Model CL-600-2B19 series airplanes. Investigation revealed that the shear pins that were installed in the elevator flutter dampers on these incident airplanes were the stronger pins, whose installation would have been required by the NPRM. The stronger shear pins caused the loads to transfer to the lugs of the elevator flutter damper, which subsequently failed under the increased loads. -

Consequently, on November 17, 1994, the FAA issued AD 94-24-02, amendment 39-9075 (59 FR 60888, November 29, 1994), applicable to certain Canadair Model CL-600-2B19 series airplanes, to require the removal of all elevator flutter dampers. It also requires revisions to the FAA-approved Airplane Flight Manual (AFM) that advise the flight crew of the need to perform daily checks to verify proper operation of the elevator control system, and that restrict altitude and airspeed of the airplane. -

The FAA has determined that the actions currently required by AD 94-24-02 positively address the previously identified unsafe condition. Removal of the elevator flutter dampers from these airplanes and the daily checks of the elevator control system will ensure that the risk of jamming or restricting movement of the elevator is eliminated. Additionally, the operational limitation will enable the pilot to avert conditions of potential flutter. -

In light of the fact that other rulemaking adequately addresses the identified unsafe condition, the FAA finds that the previously proposed action is unwarranted and hereby withdraws the NPRM.-

Withdrawal of this NPRM constitutes only such action, and does not preclude the agency from issuing another notice in the future, nor does it commit the agency to any course of action in the future.-

Since this action only withdraws a notice of proposed rulemaking, it is neither a proposed nor a final rule and therefore, is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

#### List of Subjects in 14 CFR Part 39-

Air transportation, Aircraft, Aviation safety, Safety.

#### The Withdrawal-

Accordingly, the notice of proposed rulemaking, Docket 94-NM-155-AD, published in the **Federal Register** on October 11, 1994 (59 FR 51392), is withdrawn.

Issued in Renton, Washington, on December 28, 1994.

**S.R. Miller,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 95-61 Filed 1-3-95; 8:45 am]

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